

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL MOKSHEFSKI,

Plaintiff

v.

MORRIS HOUSER, *et al.*,

Defendants

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Civil No. 3:23-cv-1071

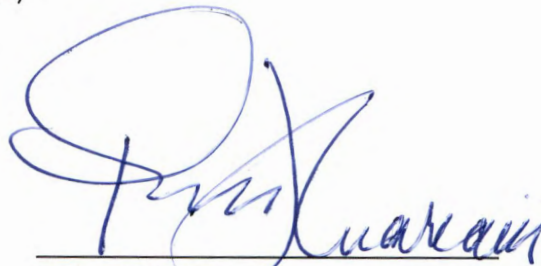
(Judge Mariani)

ORDER

AND NOW, this 26th day of July, 2024, upon consideration of the medical Defendants' motion (Doc. 32) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 32) is **GRANTED in part** and **DENIED in part**.
 - a. The motion is **GRANTED** with respect to the Eighth Amendment claim against Defendants Howard, Hicks/Fletcher, Sottile, and Bickle, the medical malpractice claim against Defendants Howard, Hicks/Fletcher, Sottile, Talasky, Bickle, and St. George, and the Americans with Disabilities Act and Rehabilitation Act claims against all medical Defendants. These claims are **DISMISSED**.
 - b. The Clerk of Court is directed to **TERMINATE** Jacqueline Howard, Jodi Hicks/Jodi Fletcher, Tiffany Sottile, and Cristina Bickle as Defendants in this action.
 - c. The motion is **DENIED** with respect to the Eighth Amendment claim against Defendants St. George and Talasky.

- d. The motion is **DENIED** with respect to the *Monell* claim against Wellpath, LLC, formerly known as Correct Care Solutions, LLC.
2. Defendants St. George, Talasky, and Wellpath shall **FILE** an answer on or before August 15, 2024.
 3. Discovery, which is limited to the remaining Eighth Amendment claim and *Monell* claim, shall be completed on or before September 23, 2024. In accordance with Local Rule of Court 5.4(b), the parties shall refrain from filing discovery requests with the Court.
 4. Dispositive motions shall be filed on or before October 23, 2024.
 5. No extensions of the pre-trial schedule shall be granted absent good cause. See FED. R. CIV. P. 16(b).
 6. Any motions or briefs filed after the expiration of the applicable deadline, without prior leave of Court, shall be stricken from the record.
 7. The scheduling of a final pre-trial conference and the trial date of this matter is deferred pending disposition of dispositive motions.
 8. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge